

REMARKS

Claims 1-40 were rejected and remain pending. Claims 41-60 were previously canceled. Claims 1, 9, 13, 21, 29 and 33 are currently amended. Reconsideration of the rejections is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

In the Final Office Action (“FOA”), claims 1-40 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent No. 6,771,981 to Zalewski.

In order to anticipate a claim, the reference must teach every element of the claim. MPEP 2131. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

While Applicants respectfully maintain that Zalewski fails to clearly and unambiguously teach the features of the pending independent claims, Applicants have nonetheless amended the independent claims without prejudice in order to advance prosecution.

As amended, claim 1 recites a method for providing a radio frequency identification (RFID) comprising:

facilitating a user in providing an instruction to a component of a mobile communication device to output a first data, said output emulating output of the first data by an RFID transponder of an active type, the component being also equipped to facilitate a user in communicating with a user of another communication device, with the communication being a voice call facilitated at least in part over a wireless network; and

in response to said providing an instruction, outputting the first data by the component in the form of a radio frequency signal, said outputting emulating output of the first data by an RFID transponder of an active type.

Claims must be given their broadest reasonable interpretation consistent with the specification, but the interpretation must be consistent with the interpretation that those skilled in the art would reach. MPEP 2111; *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). The Advisory Action states that if a transponder is working properly and performing actions, it is considered as an “active” transponder. Applicants respectfully submit that a person having skill in the art will recognize that RFID transponders of an “active” type include their own power source and can transmit signals without first receiving an interrogation signal from a reader, while transponders of a “passive” type do not include their own power source and transmit signals only in response to an interrogation signal from a reader. Applicants have thus amended claim 1 to recite “an RFID transponder of an active type” to clarify that the outputting of the first data by the component emulates output of the first data by an RFID transponder that can transmit signals without first receiving an interrogation signal from a reader. This amendment is supported at least in Figures 1, 2, 4, and 7, and in paragraphs [0033]-[0039], [0064], and [0077]-[0080].

Applicants have also amended claim 1 to recite “with the communication being a voice call facilitated at least in part over a wireless network.” This amendment is supported at least in Figures 1, 3, and 4, and in paragraphs [0025], [0030], and [0063]. Thus, as amended, claim 1 requires that the component outputting the first data in the form of a radio frequency signal [emulating output of the first data by a RFID transponder of an active type] is **also** “equipped to facilitate the user in communicating with a user of another communication device, with the communication being a voice call facilitated at least in part over a wireless network.”

In summary, claim 1 as amended recites a novel method in which data is output by a component of a mobile communication device in a manner that emulates, or imitates, an output of that data by a RFID transponder of an active type. The component, which is also equipped to facilitate communication by voice over a wireless network, outputs the data in response to an instruction provided by the user.

Zalewski does not teach these features. Zalewski discloses a changeable electronic device cover 100 with a RFID transponder 110 (see abstract; col. 8, lines 35-38). The RF transponder provides RFID codes in response to interrogation by a reader. Zalewski also teaches that cover 100 may include optical relays or infrared transmitter/receiver 22 for transferring optical or infrared signals or equivalents (col. 8, lines 23-27; col. 15, lines 53-59). The mobile station and cover may be used to send a reservation request to a central reservation site 800 and receive in reply an ID code or other information. When the mobile station is placed near door lock 820, the door lock interrogates the cover 100 and the cover responds with the code to unlock the door (col. 16, lines 35-42 and 42-47).

Zalewski does not teach a mobile communication device component that is “equipped to facilitate a user in communicating with a user of another communication device, with the communication being a voice call facilitated at least in part over a wireless network” **and** outputs data “in the form of a radio frequency signal, said outputting emulating output of the first data by an RFID transponder of an active type.” The radio frequency component 19 of the mobile device taught by Zalewski is “a known component of mobile phones” used for transmitting and receiving calls over a radio communication network (col. 6, line 66 – col. 7, line 3). The RFID transponder 110 is a separate component embedded in the removable cover 100. The RFID transponder 110 is not “equipped to facilitate a user in communicating” by “a voice call” in the manner recited in claim 1, nor does the radio frequency component 19 output data “emulating output . . . by an RFID transponder of an active type.”

Further, Zalewski does not teach “*in response to said providing an instruction, outputting the first data by the component in the form of a radio frequency signal, said outputting emulating output of the first data by an RFID transponder of an active type.*” Instead, Zalewski clearly teaches that the ID Code is sent to the door by the cover 100 (i.e. by RFID transponder 110) in response to interrogation by the door lock. Thus, RFID transponder 110 is acting as a passive RFID transponder. And the transmission of an ID code in an IR signal or optical signal cannot teach “outputting the first data” because claim 1 requires outputting of the first data by the component in the form of a radio frequency signal.

Finally, Zalewski does not teach “outputting the first data” [by the component] “in response to said providing an instruction” [by the user]. As discussed above, Zalewski teaches that the mobile device cover provides a code to the door lock in response to an interrogation signal sent by the door lock. While the Advisory Action stated that the interrogation signal is considered an “instruction,” claim 1 requires that the instruction is provided *by the user*. Zalewski discloses a request sent by the user to the reservation site, to which the site responds by sending the code to the mobile device. But the interrogation signal sent by the door lock is not an instruction provided *by a user*, nor is the code provided by the RFID transponder in response to an instruction provided *by the user*.

Therefore, Zalewski does not teach the features of claim 1. For at least the above reasons, Applicants respectfully submit that claim 1 is patentable over Zalewski.

Claims 2-12 depend directly or indirectly from claim 1, incorporating its recitations, and are thus patentable over Zalewski for at least the same reasons and also for their additional recitations.

Independent claims 13, 21 and 33 were rejected for the same reasons as claim 1. These claims have been amended to recite subject matter substantially similar to that of claim 1, and are thus patentable over Zalewski for at least the same reasons.

Claims 14-20 depend from claim 13, incorporating its recitations. Claims 22-32 depend from claim 21, incorporating its recitations. Claims 34-40 depend from claim 33, incorporating its recitations. Therefore, claims 14-20, 22-32 and 34-40 are also allowable over Zalewski for at least the same reasons and also for their additional recitations.

For at least these reasons, Applicants submit that all pending claims are patentable over Zalewski. Notice of allowance is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 622-1711 if the Examiner believes that an interview might be useful for any reason.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 622-1711. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

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by: /JoAnn Schmidt/
JoAnn Schmidt
Reg. No.: 62,255

Schwabe, Williamson & Wyatt, P.C.
US Bank Centre
1420 5th Avenue, Suite 3010
Seattle, WA 98101
Telephone: 206.622.1711